

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

IN THE MATTER OF:

USE OF DIGITAL RECORDING  
EQUIPMENT BY COURTROOM CLERKS  
AND DIGITAL RECORDING OF  
COURT PROCEEDINGS

ADMINISTRATIVE ORDER  
2004-07

The Clerk of the Superior Court in Yuma County has experienced difficulties attracting and keeping personnel with high level shorthand skills for courtroom clerk positions. The Clerk has acquired and is using digital recording equipment to assist the courtroom clerks in the courtroom.

The purpose of using this digital recording equipment is to enable the Clerk of Superior Court to rotate courtroom clerks between criminal divisions and other divisions on a regular basis, so that all of them, particularly those with less or no shorthand proficiency, will be able to produce minutes of court proceedings promptly. The automated, internal recordings in the devices are intended to serve as the courtroom clerks' work product and backup for notes of those proceedings and will be used only to enable these clerks to generate timely and accurate minute entries for the court. The present equipment used in creating these digital recordings is highly sensitive, and it records sounds and conversations which include matters that are not intended to be part of the record of the court proceedings. Due to the work product characteristic and this sensitivity, the digital recording devices are not intended for production of the official verbatim record of the court proceedings.

For these reasons, **IT IS ORDERED:**

1. Copies or reproductions of the digital recordings of court proceedings kept by courtroom clerks are not to be disseminated absent a specific order of the court.
2. The official record of any superior court hearing or proceeding, where an official court reporter is present, is the transcript produced from an official court reporter's notes by an official court reporter. Absent a specific order of the court, or unless otherwise provided herein, no recording of proceedings made from the Clerk's digital recording system, or any other audio recording system, or transcript produced from such recordings, except a transcript certified by an official court reporter, may be used as the official record of any superior court proceedings.
3. Pursuant to the authority of A.R.S. § 38-424, any judge or commissioner of Superior Court

in Yuma County may choose to utilize digital recordings to create the official record of Mental Health court proceedings (pursuant to Title 36) and Protective Order court proceedings. Digital recording may be used in these specific court proceedings provided there is not an official court reporter present at the time of any such proceeding and unless a party to the proceeding requests an official court reporter. This is a decision to be made by the judicial officer presiding over the proceeding in question. If the digital recording is used as the official record in such proceedings, the judicial officer should caution all parties of the digital recording equipment's potential to record sounds and conversations which may not be intended as part of the official record.

DATED this 31<sup>st</sup> day of April, 2004.

A handwritten signature in black ink, appearing to read "Tom C. Cole", written over a horizontal line.

Honorable Tom C. Cole, Presiding Judge  
Superior Court in Yuma County

**Original filed with the Clerk of the Superior Court in Yuma County**

**Copies to:**

Hon. John N. Nelson  
Hon. Thomas A. Thode  
Hon. Andrew W. Gould  
Hon. Kirby Kongable  
Hon. John Paul Plante  
Hon. Denise D. Gaumont  
Beverly Frame, Clerk of the Superior Court  
Margaret Guidero, Court Administrator